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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/060,287	04/14/98	MAHANY	R DN37882YE

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EXAMINER
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PEYTON, T

ART UNIT	PAPER NUMBER
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2782

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**DATE MAILED:** 10/27/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/060,287	Applicant(s) MAHANY ET AL.
Examiner Tammara Peyton	Group Art Unit 2782

Responsive to communication(s) filed on Apr 14, 1998

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 15-46 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 15-46 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

1. Claims 15-46 are pending for application 09/060,287 filed on 04/14/98.

***Double Patenting***

2. Claims 15-34 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 5- 30 of prior U.S. Patent No. 5,740,366, *Mahany et al.* This is a double patenting rejection.

3. As per claims 15-34, it would have been obvious to one of ordinary skill in the art at the time the invention was made to derive from U.S. Patent No. 5,740,366 the applicant's claimed invention because both draw to the conclusion of a first node operating in a normal state and a second node operating in a low power state wherein transmitting to the second node is preformed at predetermined intervals thereby resulting in a conservation of power for the second node between transmissions. [See *Mahany et al.*, col. 15, lines 50- col. 22]

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35 - 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Natarajan et al.*, (hereafter *Natarajan*), patent no. 5,241,542 .

6. As per claim 35, *Natarajan* teaches of a communication network supporting wireless communication of messages, said communication network comprising:

a first node having a wireless transceiver; [Base Station, 26 or 28, Fig.1]

a second node having a wireless transceiver; [Mobile Station, 10, 12, 14, or 16]

said first node wirelessly transmitting at periodic intervals to accommodate delivery of message from said first node [Base Station, 26 or 28, Fig.1] to said second node [Mobile Station, 10, 12, 14, or 16]; and [col. 4, lines 39-45]

said second node selectively either entering and remaining in a low power state between the transmissions at periodic intervals [col. 4, lines 63- col. 5, lines 1-6] or entering and

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remaining in a low power state between any two of the transmissions [col. 5, lines 7-29, 58-60, col. 6, lines 16-38, 59-68, col. 7, lines 1-11].

*Natarajan* teaches a power saving method that allows the second node to selectively sleep during multiple transmissions by turning its receiver to an OFF state when it is determined by the second node that there is no messages to be received during a given frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to selectively enable a node operating in a power saving state to change to a normal state only when there is a message waiting for that particular node, wherein several transmission can occur during this idle period, because it would reduce the power consumption for that particular node between transmissions.

7. As per claim 36, it is a matter of design choice to have the first or second node comprised of a roaming terminal.

8. As per claim 37, it is a matter of design choice to have the nodes receive message during a time period that follow one of the transmissions.

9. As per claim 38, is it a matter of design choice to have the time period immediately follow one of the transmission.

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10. As per claim 39, is it a matter of design choice to have the time period immediately follow one of the transmission during an awake time window.

11. As per claim 40, is it a matter of design choice to have the awake time window occur an offset time following one of the transmission during an awake time window.

12. As per claim 41, *Natarajan* teaches of a communication network supporting wireless communication of messages, said communication network comprising:

a first node having a wireless transceiver; [Base Station, 26 or 28, Fig.1]

a second node having a wireless receiver; [Mobile Station, 10, 12, 14, or 16, Fig. 1 or 9]

said first node wirelessly transmitting at periodic intervals to accommodate delivery of message from said first node [Base Station, 26 or 28, Fig.1] to said second node [Mobile Station, 10, 12, 14, or 16]; and [col. 4, lines 39-45]

said second node synchronizing selectively either entering and remaining in a low power state between the transmissions at periodic intervals [col. 4, lines 63- col. 5, lines 1-6] either one of between consecutive transmissions at periodic intervals or between nonconsecutive transmissions at period intervals. [col. 5, lines 7-29, 51-60, col. 6, lines 16-38, 59-68, col. 7, lines 1-11].

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*Natarajan* teaches a power saving method that allows the second node to selectively sleep during multiple transmissions by turning its receiver to an OFF state when it is determined by the second node that there is no messages to be received during a given frame. Further, *Natarajan* teaches that the second node will remain inactive until a certain time period wherein it will awaken thereby synchronizing it communication with the timed intervals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to synchronize with the timed intervals to selectively enable a node operating in a power saving state to change to a normal state only when there is a message waiting for that particular node, wherein several transmission can occur during this idle period, because it would farther reduce the power consumption for that particular node between transmissions.

13. As to claims [41 renumbered 42] 42-46, these claims are similar to claims 36-40, therefore, they are rejected under the same rational.

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***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

15. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

or, for informal or draft communications, to:

(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Tammara Peyton

October 18, 1999

THOMAS C. LEE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700